

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 Darwin Kinsey,

5 Plaintiff,

6 v.

7 Nelson,

8 Defendant.
9

Case No. 2:21-cv-00188-RFB-BNW

REPORT AND RECOMMENDATION

10 On November 21, 2022, the Court held a status conference to learn whether *pro se*
11 Plaintiff Darwin Kinsey intended to respond to Defendant Nelson's motion to dismiss, motion for
12 summary judgment, and motion to stay the case. ECF No. 21. Mr. Kinsey did not appear at the
13 hearing. *See id.* The Court subsequently issued an order to show cause that could be satisfied if
14 Mr. Kinsey responded in writing within 10 days indicating whether he intended to participate in
15 the hearing and respond to the motions. *Id.* He did not file a response.

16 The Court's order setting the status conference as well as its order to show cause were
17 mailed to Mr. Kinsey, but both were returned as undeliverable. ECF Nos. 22, 23. As a result, on
18 December 2, 2022, the Court ordered Mr. Kinsey to update his address by December 23, 2022.
19 ECF No. 24. The Court further advised him that if he did not comply with its order, the Court
20 would recommend dismissing his case. *Id.* Mr. Kinsey has not complied with the Court's order.

21 **IT IS THEREFORE RECOMMENDED** that the case be dismissed without prejudice
22 and closed.

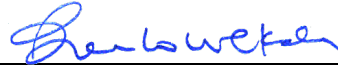
23 **IT IS FURTHER RECOMMENDED** that Defendant's Motion to Dismiss, Motion for
24 Summary Judgment, and Motion to Stay (ECF Nos. 15–17) be denied as moot.

25 **NOTICE**

26 This Report and Recommendation is submitted to the United States District Judge
27 assigned to this case under 28 U.S.C. § 636(b)(1). A party who objects to this Report and
28 Recommendation may file a written objection supported by points and authorities within 14 days

1 of being served with it. Local Rule IB 3-2(a). Failure to file a timely objection may waive the
2 right to appeal the District Court's order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).

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4 DATED: January 23, 2023.

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6 BREND A WEKSLER
7 UNITED STATES MAGISTRATE JUDGE
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